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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,004	03/17/2004	Hideo Ando	249786US2S DIV	3317
22850	7590	01/09/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 01/09/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/802,004

Applicant(s)

ANDO ET AL.

Examiner

HUY T. NGUYEN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2007 and 25 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the applicant's Appeal Brief filed on 21 March 2006, PROSECUTION IS HEREBY REOPENED. The after final amendment filed 25 April 2007 has been entered. A non-final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saeki et al (6078727) in view of Okada et al (6,148,140).

Regarding claims 14-17, Saeki discloses a recording and reproducing apparatus (Fig. 15) for recording data and management information on a recordable optical disc by using an optical disc driver, the recordable optical disc (Fig. 3A) physically comprises a lead-in area located near a center of rotation of the disc, and a data area located outside of the lead-in area, said recordable optical disc including sectors for storing recorded information( Fig. 4) and said recordable optical disc comprising:

a data area configured storing:

a plurality of error correction code blocks including the video object data, said video object data being configured to have at least one of video object units, wherein a predetermined number of sectors form each error correction code block, and each of said sectors has a predetermined size (Fig. 4). a control information recording area storing said control information, the control information being configured to manage the video object data and including an AV file information table having a first area configured to store object stream information, and a second area configured to store AV

file information configured to describe information on the video object data, the AV file information including a plurality of object information, and a plurality of object information search pointers associated with the plurality of object information, wherein: an error correction code block address relates to the predetermined number of said sectors (logical addresses)(Fig. 4), each said object information includes time map information having time map general information, one or more time entries, and one or more video object unit entries, each video object unit entry includes playback time information of a corresponding video object unit of the video object units, and size information of the corresponding video object unit (Figs. 11-13, column 11, lines 15-38) and each of the time entries includes numeral information on the corresponding video object unit entry of the video object data (Figs 11-13).

Saeki does not specifying using search pointer. Okada teaches using search pointer for access video objects (column 82, lines 5-29). It would have been obvious to one of ordinary skill in the art to modify Saeki with Okada by providing the management information of Saeki with search pointer as taught by Okada thereby accurately access video objects.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 14-17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-16 of copending Application No. 11/484,771. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 14-17 of the present application and claims 14-16 of copending Application No. 11/484,771 is that claims 14-16 of copending Application No. 11/484,771 further recite dummy packs used for after recording that is not found in claims 14-17 of the present application. Since claims 14-16 of copending Application No. 11/484,771 encompass the limitation of claims 14-17 of the present application, it would have been obvious to one of ordinary skill in the art to modify and edit claims 14-16 of copending Application No. 11/484,771 by eliminating the recitation of using the dummy pack in claims 14-16 of copending Application No. 11/484,771 to produce claims 14-17 of the present application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 14-17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-16 of copending Application No. 11/484,657. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 14-17 of the present application and claims 14-16 of copending Application No. 11/484,657 is that claims 14-16 of copending Application No. 11/484,657 further recite audio gap information that is not found in claims 14-17 of the present application. Since claims 14-16 of copending Application No. 11/484,657 encompass the limitation of claims 14-17 of the present application, it would have been obvious to one of ordinary skill in the art to modify and edit claims 14-16 of copending Application No. 11/484,657 by eliminating the recitation of using audio gap information in claims 14-16 of copending Application No. 11/484,657 to produce claims 14-17 of the present application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 14-17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-16 of copending Application No. 11/484,651. Although the conflicting claims are not identical,

they are not patentably distinct from each other because the difference between claims 14-17 of the present application and claims 14-16 of copending Application No. 11/484,651 is that claims 14-16 of copending Application No. 11/484,651 further recite 2,048 bytes in an unit as address information that is not found in claims 14-17 of the present application. Since claims 14-16 of copending Application No. 11/484,651 encompass the limitation of claims 14-17 of the present application, it would have been obvious to one of ordinary skill in the art to modify and edit claims 14-16 of copending Application No. 11/484,651 by eliminating the recitation of using 2,048 byte unit for an address in claims 14-16 of copending Application No. 11/484,651 to produce claims 14-17 of the present application .

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 14-17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-16 of copending Application No. 11/484,634. Although the conflicting claims are not identical, they are not patentably distinct from each other because the difference between claims 14-17 of the present application and claims 14-16 of copending Application No. 11/484,634 is that claims 14-16 of copending Application No. 11/484,634 further recite rewriting user defined program chain that is not found in claims 14-17 of the present application. Since claims 14-16 of copending Application No. 11/484,634 encompass the limitation of claims 14-17 of the present application, it would have been obvious to one of ordinary skill in the art to modify and edit claims 14-16 of copending Application



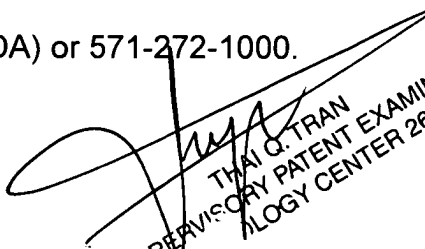
No. 11/484,634 by eliminating the recitation of rewriting user defined program chain in claims 14-16 of copending Application No. 11/484,634 to produce claims 14-17 of the present application .

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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